

FILED IN CLERK'S OFFICE  
U.S.D.C. Atlanta  
CIVIL RIGHTS COMPLAINT PURSUANT TO 42 U.S.C. § 1983

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA

JUL - 5 2016

JAMES N. HATTEN, CLERK  
By: J. Brannon Deputy Clerk

ANDRES CANO-GOMEZ

(Enter above the full name and prisoner identification number of the plaintiff, GDC number if a state prisoner.)

-VS-

Deputy Cromer, et. al.

(Enter above the full name of the defendant(s).)

**I. Previous Lawsuits**

A. Have you filed other lawsuits in federal court while incarcerated in any institution?

Yes ( ) No ( ☒ )

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s):

N/A

Defendant(s):

N/A

2. Court (name the district):

N/A

3. Docket Number:

N/A

**I. Previous Lawsuits (Cont'd)**

4. Name of judge to whom case was assigned: N/A
5. Did the previous case involve the same facts?  
Yes ( ) No ( )
6. Disposition (Was the case dismissed? Was it appealed? Is it still pending?):  
N/A
7. Approximate date of filing lawsuit: N/A
8. Approximate date of disposition: N/A

**II. Exhaustion of Administrative Remedies**

Pursuant to 28 U.S.C. § 1997e(a), no prisoner civil rights action shall be brought in federal court until all available administrative remedies are exhausted. Exhaustion of administrative remedies is a precondition to suit, and the prisoner plaintiff must establish that he has exhausted the entire institutional grievance procedure in order to state a claim for relief.

- A. Place of Present Confinement: Johnson State Prison
- B. Is there a prisoner grievance procedure in this institution?  
Yes ( ☒ ) No ( )
- C. Did you present the facts relating to your complaint under the institution's grievance procedure?  
Yes ( ☒ ) No ( )
- D. If your answer is YES:
1. What steps did you take and what were the results?  
Note: I was in the Henry County Jail during this incident and filed a Grievances while in the Jail. Grievances NO. 2015071, 20150702, 2015073
  2. If your answer is NO, explain why not: \_\_\_\_\_

**III. Parties**

(In item A below, place your name in the first blank and place your present address in the second blank.)

A. Name of Plaintiff: Andres Carlo-Gomez

Address(es): Johnson State Prison, P.O.  
Box 344, Wainwrightville, Georgia 31096-0344

(In item B below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Do the same for each additional defendant, if any.)

B. Defendant(s): Officer Colombo, Sgt. Taylor, Officer  
Timbs, Officer Galantiz, and Officer Burns

Employed as Sheriff's Henry County  
Jail

at Henry County Jail, 120 Henry Parkway  
McDonough Georgia 30253

**IV. Statement of Claim**

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

See Attachment

1. ON April 12, 2015; there was an incident in my pod (Dorm-A8) at the Henry County Jail, between Defendant Cromer and Inmate Anthony Fields on the top tier of the dorm. The top tier was out on Rotation when the incident occurred between Defendant Cromer and Inmate Anthony Fields. I witnessed everything that happened from my room/cell ~~inmate~~, while locked down in my room/cell because the gate was left open by the Defendants. I witness Defendant Cromer, being very aggressive with inmate Fields while he was handcuffed.
2. I expressed my concerns through my locked room/cell door ~~inmate~~ about the actions or in-actions of Defendant Cromer; use of force on Inmate Fields because I was actually scared for his life due to the use of force by Defendant Cromer, while inmate Fields was still handcuffed. The Defendant asked one of the other Defendants, who was it that was yelling about what I was doing to that inmate. (Meaning inmate Fields).

And one of the Defendants pointed me out and Defendant Cromer, yelled Cuff him (Meaning the Plaintiff) because Defendant Cromer personally heard the Plaintiff, yelling through his Room/Cell stop hurting him (Meaning Inmate Fields).

3. Defendant Galantie came to my Room/Cell and asked me to turn around and face the wall and to put my hands behind my back. I complied with the Defendant order, and face the wall as well as put my hands behind my back, asking Defendant Galantie, Why was I being Cuffed. I then ask was I being Cuffed because I seen what Defendant Cromer did to Inmate Fields.
4. After being Cuffed, I was removed from my Room/Cell by Defendant Galantie, I then again asked Defendant Galantie, what Rules have I violated and I got NO answer from the Defendant; I looked over my shoulder to see if he would give me a response, and at that time Defendant Galantie



grabbed me by the back of my neck and the front of my jumpsuit and slammed me face down on my chest and stomach to the floor and Defendant Galontic yelled tase him, all of which was done while the Plaintiff still remained handcuffed behind his back. "AT NO TIME, WAS THE PLAINTIFF A THREAT TO THE SAFETY OF DEFENDANTS OR THE SAFETY AND SECURITY OF THE HENRY COUNTY JAIL.

5. While on the FLOOR faced down on my chest and stomach, did Defendant Colombo follow the orders of Defendant Galontic and use force that was clearly greater than what was justified when he used a "stun gun" or electroshock device to tase the Plaintiff in his left shoulder and back area. Clearly using his "stun gun" or electroshock outside of the policy, procedure and practice that governs the use of "stun guns" and other electroshock devices at Henry County Jail.

6. At the time that the Plaintiff was tased for at least 25 to 35 seconds, the Plaintiff was still wet from taking a shower; The Defendants could see that the Plaintiff hair and parts of his body was still visibly wet from Plaintiff taking a shower. The actions / in-actions of the Defendants were inhumane and caused the Plaintiff to be treated at the Medical Dept from being tased.
7. Defendants Sgt. Taylor, Timbs, and Burnes were present, and "NEVER" tried to stop Defendant Colombo from tasing the Plaintiff, OR ordered Defendant Colombo to stop tasing the Plaintiff while handcuffed behind his back on the floor.
8. The Plaintiff was taken from the Medical Dept. and placed in the lock-down security unit of the Jail, as well as written a Disciplinary Report ~~for~~ "Refusing to lock-down," which the Plaintiff was already locked-down in his Room / Cell at the time of the incident with Defendant Cromer and Inmate Fields, and the Plaintiff

was written up for inciting a Riot, because the Plaintiff showed some concern about the unnecessary use of force on Inmate Fields by Defendant Cromer.

9. The Plaintiff ~~for~~ filed Grievances on the Jails Kiosk Machine as well as hand written Grievances see (Exhibit-A1). As a result of the above mentioned incident, the Plaintiff has suffered from serious severe back pain, back spasms, headaches, Dizziness, decreased quality of ~~deep~~ Sleep, exacerbation of PTSD Mental Condition, increased irritability, decreased concentration, and episodic Narcolepsy.

10. AT ~~at~~ all times Relevant to this action the Defendants was acting "Under Color of State law" when they violated the Plaintiff's Constitutional Rights. By statute, the County Sheriff is Responsible for ensuring the Safety and Well-being of prisoners under his Supervision. The Defendants are being sued in their individual and official Capacities



WHEREFORE, Plaintiff Respectfully prays that this Court:

- A. Declare that the acts and omissions described herein violated Plaintiff's Rights under the Constitution and laws of the United States;
- B. Order defendants to pay compensatory and punitive damages;
- C. Order defendants to pay Plaintiff's filing fees, Court Cost as well as paralegal and attorney fees;
- D. Have Removed from Plaintiff's Criminal history drug Convictions.

Quin Co  
Plaintiff PRO SE

**IV. Statement of Claim (Cont'd)**

See Attachment

**V. Relief**

State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.

See Attachment

1. Order Defendants to pay Compensatory damages in the amount of 1.6 millions and punitive damages in the amount of \$90,000.00 per Defendant.
2. Six sessions of diversity and sensitivity training (at employee's own expense).
3. Six sessions of employee assistance program (EAP) psychologist to help explore personal issues related to non-compliance with authoritative and regulatory standards which are mandated for professional practice.
4. Inservice all Sheriff Staff on the use of stun guns / electroshock device.
5. Inservice all Sheriff Staff on the use of force
6. Defendants pay filing fees, court cost and paralegal and attorney fees.
7. Each Defendant be written up and this Complaint (Civil Action) be noted in their personal files.

V. Relief (Cont'd)

See Attachment

Signed this 25 day of June, 2016.

  
Signature of Plaintiff

STATE OF Georgia  
COUNTY (CITY) OF Johnson

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED ON 6/25/2016  
(Date)

  
Signature of Plaintiff